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TRANSMITTAL FORM

*(to be used for all correspondence after initial filing)*Total Number of Pages in This Submission **3** Attorney Docket Number **ENDOS-51639 (GES-0012)**

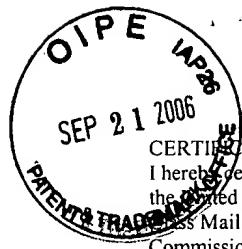
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John V. Hanley, Reg. No. 38,171

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re the application of

Inventor: David T. Pollock, et al.

Serial No. 09/546,966

Filed: April 11, 2000

For: SINGLE-PIECE THICK-WALLED
ENDOPROSTHESIS

Date: September 18, 2006

Examiner: Vy Q. Bui

Group Art Unit: 3731

Client ID/Matter No. ENDOS-51639

LETTER

MS: Appeal Brief Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is responsive to the Office communication dated September 11, 2006 which indicated that the Reply Brief recently submitted by the Applicants in connection with the above-referenced matter would not be considered because it was not filed within two months of the March 23, 2006 mailing date of the Examiner's Answer.

It is respectfully submitted, however, that the subject Reply Brief was indeed timely filed and should be considered by the Examiner. Significantly, the Reply Brief was filed under 37 CFR § 1.8 which provides that correspondence required to be file in the U.S. Patent and Trademark Office within a set period of time will be considered as being timely filed if the correspondence is properly addressed and mailed prior to expiration of the set period of time.

Accordingly, it is respectfully requested that a written action be issued to clearly indicate that the Reply Brief is being considered by the Examiner.

Respectfully submitted,

FULWIDER PATTON LLP

By: 
John V. Hanley
Registration No. 38,171

JVH/kst
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201

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